



CHRIST
(DEEMED TO BE UNIVERSITY)
B E N G A L U R U · I N D I A

School of Law

LLM

(Intellectual Property and Trade Law)

2018-19

Syllabus and Regulations

CHRIST (Deemed to be University), Bangalore
Karnataka, India
www.christuniversity.in

Syllabus for Postgraduate Programme in LLM (Intellectual Property and Trade Law) 2018-2019 prepared by the Department of School of Law and approved by the Academic Council, CHRIST (Deemed to be University), Bangalore, India.

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LLM PROGRAM (ONE YEAR)

As one of the top law schools in India, the School of Law of Christ University offers LLM program as per the UGC guidelines. This program incorporates a rich array of law courses, seminars, experiential learning opportunities, and special events. These would promote interaction with attorneys, diplomats, business leaders, and policy makers.

Our distinguished faculty and administration have established strong ties with various international, governmental, and non-governmental organizations in India and abroad.

This program has a flexible curriculum offering several options in each specialization. Students have the option of selecting their specialization and their area of interest. In addition, each student is encouraged to write a publishable thesis and to gain practical experience through internships and other training programs.

Areas of Specialization

- *Corporate and Commercial Law*
- *Constitutional and Administrative Law*
- *Intellectual Property and Trade Law*

Intellectual Property and Trade Law

The convergence of intellectual property and trade is prominent since the advent of the New International Economic Order. Both the disciplines are so intertwined that the appreciation of one becomes meaningless in the absence of the other. The objective of this course is to enable a student to analyse the linkages between intellectual property and international trade, in a wider socio-economic and political perspective, both nationally and internationally. The course is also intended to expose the students to various effects of intellectual property and trade that might undermine the vital interests pertaining to human rights, environment etc.

The course is designed with sufficient emphasis on the practical nuances that emerge out of the theoretical underpinnings of both international trade and intellectual property laws. This specialisation is devised to serve the interests of students who seek to practice an international career that addresses the real time issues relating to intellectual property and international trade.

Assessment Rules

Assessment is based on the performance of the student throughout the semester.

1. Credit Structure

- Courses with 45 hours per semester will earn the student 2 credits.
- Courses with 45-50 hours per semester will earn the student 3 credits.
- Courses with 51 hours and above per semester including practical will earn the student 4 credits.
- Dissertations/Practical equivalent to one course will earn the student 4-6 credits.
- Total credits can be earned in each semester are 18-25*.

***Total credits may vary from programme to programme.**

2. Assessment of each paper

1. *Continuous Internal Assessment (CIA) for theory paper : 50% (50 marks out of 100 marks)
2. *End Semester Examination (ESE) : 50% (50 marks out of 100 marks)

(*Weight for CIA and ESE may vary for different programmes)

3. Components of CIA

CIA I : Assignments: 10 marks

CIA II : Mid-Semester Examination (MSE) (Theory): 25 marks

CIA III : Quizzes/Seminars/Case Studies/Project work: 10 marks

***Attendance: 5 Marks**

% Attendance	Marks
95% - 100%	05
90% - 94%	04
85% - 89%	03
80% - 84%	02
76% - 79%	01

Students representing the University/Departmental activities are eligible for attendance with the permission of the HOD/Co-ordinator.

Students can check their attendance and academic reports from the University website in Student Login.

4. Mid-Semester Examination (MSE)

- The examination will be held as per the timetable released by the Controller of Examination (COE) in each semester and will be held simultaneously for I, III, V, VII, IX semester in August and II, IV, VI, VIII, X Semester in Jan/Feb.
- Valued answer scripts will be distributed in the class on a day announced prior to the distribution. Corrections if any are to be done during the same hour. No further changes after this will be entertained.
- Those candidates missing the MSE (for valid reasons only) will be given a second opportunity prior to the ESE, however, permission to repeat MSE is not automatic. The candidate must procure an application from the office of Examinations and must pay the required fee. If the candidate does not appear in the MSE then an entry denoted by “ will be made in the marks card stating that appear in the first MSE if student fails to appear the second chance, an entry denoted by will be made in the marks card stating the student did not write the MSE. During the course of the study, a UG candidate can repeat the MSE at most two times; the PG candidate can attempt it only once. There are restrictions on the number of times a student can repeat MSE.
- The duration of the MSE will be of 2 hours and the same is applicable for the repeat examination also.
- Absentee’s parents will be alerted through SMS within 1 hour after the commencement of the examination.
- Hall ticket with timetable and seating allotment is compulsory for both regular and repeat MSE and can be downloaded from the Student Login.
- Dress code of the University should be followed during the examination days except wearing ties.
- MSE will be conducted out of 50 marks and will be reduced to 25 marks, by the COE office.
- Candidates must preserve all MSE answer sheets and present the same to the COE in case of any discrepancy in the marks.
- The CIA marks will be displayed on the website for the candidate’s reference at the end of the semester before the ESE.
- For courses having practical as part, the assessment patten is as follows:

- A. Continuous Internal Assessment (CIA): 50%

Records	05 marks
Mid-Semester Examination (Conducted during regular practical hours.)	10 marks
Class Work	10 marks

B. End Semester Practical Examination: 50%

- For courses with independent practical / project the components of the CIA and its weight may vary from programme to programme.
- The Mid-Semester practical examination will be conducted during a regular practical hour with prior intimation to all candidates.
- All End-Semester practical examination will have two examiners, an internal and an external examiner.

5. End-Semester Examination (ESE)

The examination for the theory as well as practical papers will be held at the end of the semester. All papers will have a three hour examination except Functional English papers. ESE will be conducted out of 100 marks, which will then be reduced to the required level, by the office of the COE. In order to avoid identification during the valuation, bar codes are pasted on the Answers Sheets by the students themselves instead of the Register Number.

Permission for admission to the ESE will not be granted unless

1. A student has put in at least 85% of attendance in aggregate at the end of the semester.
2. The Vice-Chancellor is satisfied with the character and conduct of the student.

6. Results

- Semester results will be announced within a period of 30 days of completion of examination.
- Marks cards will be ready within 45 days of completion of examinations.
- Revaluation/Re-totalling request should be made within 5 days from the date of announcement of results along with a fee notified by the Controller of examinations.
- There is no provision for improvement examination.
- Candidates who have not passed in at least 50% of the papers will not be promoted to the next year.
- Requirement of Marks for Pass in each paper: 40% for ESE separately and 40% for ESE+CIA.

There will be a special supplementary examination in the June/July for final semester students who have failed in the just concluded final semester examination subject to the condition that they have no back-log in the previous semester. Students who are not debarred from examinations for reasons of malpractice will not be able to avail this facility. Another special supplementary examination is conducted in the month of January for the students who have failed in their IX semester examination.

Students having arrears can attempt the same when the examination is next conducted for the respective semester.

The Office of Examinations will preserve the answer sheets for a period of six months.

All marks cards issued by the COE will indicate the marks, percentage obtained, grade and grade point average.

7. Grading Pattern

The Grade Point average will be calculated as follows: for each subject, multiply the Grade Point with the Number of Credits; divide the sum of product by the total number of credits.

The CGPA (Cumulative GPA) is calculated by adding the total number of earned points [GP x Cr] for all semesters and dividing by the total number of credit hours for all semesters.

Grading Scheme for each paper: PG Courses

Percentage	Grade	Grade Point	Interpretation	Class
80 and above	A	4.00	Outstanding	First class with Distinction
73 - 79	A-	3.67	Excellent	First Class
66 - 72	B+	3.33	Very Good	
60-65	B	3.0	Good	
55-59	B-	2.67	Average	Second Class
50-54	C+	2.33	Satisfactory	
45-49	C	2.00	Pass	Pass Class
40-44	D	1.0	Pass	
39 and below	F	0	Fail	Fail

Transcript/ Statement of Marks: can be downloaded from the University website after the examinations for each semester. Consolidated statement of marks and Provisional Degree Certificate will be awarded to all eligible candidates at the end of the course on the Graduation day.

8. Regulations for repeating (improvement of) CIA

1. This Regulation shall apply to UG and PG Students of the University as well as continuing students of erstwhile Christ College (Autonomous), other than students of CUIM, CUSE and CUSL
2. The eligibility criteria for Repeat Courses shall be as under
 1. Student must have completed the academic duration of the Course in full-all odd and even semesters.

OR

2. Student must be pursuing the final semester of the course for obtaining permission under clause 6.
 3. Failure in the subject must be solely due to less than 40% score in CIA in respect of the repeat subject, and has scored minimum pass % for ESE.
 4. The student must have attempted and failed in at least one supplementary examination in the subject after the first failing.
3. Repeat Course is permitted for students opting to repeat one or more subjects or any semester due to their inability to complete and earn pass mark in the course for reason of very low score in CIA.
4. Student may exercise the option to repeat course only after the completion of their final (end of the course) ESE except for students under Clause 2 (b).
5. Repeat of the subject / paper in CIA shall be restricted to any one ongoing Semester at a time (*i.e.*, either odd or even semester subjects) and shall nullify all previous CIA scores (including practical, where applicable) of the student in respect of the subject(s) repeated (except for students under clause 6).
6. In exceptional circumstances as may be approved by the Management Committee, in respect of cases like, 'where a foreign student has non-renewable limited visa' or 'where a student due to late admission misses to complete the CIA', students under clause 2(b) may be permitted to do the Repeat Course during the final Semester, on a failed subject in respect to any semester except of the final semester.
7. The repeat course will follow a tutorial system of 20 hours in duration of not exceeding 30 days during which the entire repeat CIA process is expected to be completed. The student shall follow the curriculum adopted by the applicable semester. If the subject or paper has been revised or replaced by another in the changed syllabus, the student shall be required to complete the revised/changed paper.

8. The tutor-in-charge, will conduct tutorial classes, on pre-determined timings, normally outside the usual class hours, covering at least 60% of the syllabus portion, chosen at the his/her discretion. The tutor will record the attendance, evaluate the assignments (CIA II & III) and also conduct a test in lieu of MSE, in examination conditions.
9. The repeat course is only for the CIA (excluding attendance) and not for the ESE. The student's performance in the ESE and the marks secured for the attendance, as per the relevant completed semester will be carried over.
10. On completion of the course meant for the improvement of CIA components, the results will be announced along with that of regular students of the current semester and a fresh marks card will be issued for the subject/semester the student has appeared for.
11. Eligible candidates other than those under clause 7 shall apply in the prescribed application form (Form A) with details specified therein, and submit the same to the Dean on or before the specified date. Applications duly approved by the Dean shall be processed at IPM for payment of fee and entries in student records and the details thereof will be communicated to the Dean and COE.
12. In respect of candidates under clause 7 eligible candidates shall apply in the prescribed application form (Form B) with details specified therein, and submit the same to the Dean on or before the specified date. Applications duly recommended by the Dean be forwarded to the Registrar for consideration by the Management Committee and on its approval, it shall be processed at IPM and the details thereof be communicated to the Dean and the COE.
13. Fee for the repeat course will be announced by the Examinations Office.

9. Regulations for repeating Mid Semester Examination

1. Supplementary MSE shall be permitted only for students who were absent for the regular MSE for genuine and valid reasons as may be confirmed and certified by the Class Teacher and the HOD and as been approved by the Dean.
2. Number of chances to appear for the Supplementary MSE within the entire duration of a course shall be restricted as under irrespective of the actual duration of the program.
 1. UG Students can attempt at most two times.
 2. PG and B.Ed, students can attempt only once.
 3. Students who were absent for regular MSE due to deputation on University sponsored / permitted programs (like NCC, CSA etc.) shall not be affected by the restriction and may avail the permissible number of chances as may be applicable.
3. Students who exhaust the number of allowed chances shall not be permitted to appear for any more Supplementary MSE and hence shall have to be satisfied with the CIA marks without MSE score, in case they fail to appear for regular MSE.

Other procedures specified for supplementary MSE as per existing Regulation shall remain unchanged.

Programme Outcome

- Articulate thoughts and communicate effectively
- Practice ethical behavior in all engagements
- Train leaders in the field of law and policy-making
- Contribute effectively in research or academia

Semester-wise Subjects

FIRST SEMESTER

Code	Title	No. of Hrs/ Week	Credits
LLM151IPL	Foundation Course		2
LLM131IPL	Research Methods and Legal Writing	5	4
LLM132IPL	Comparative Public Law	5	4
LLM133IPL	International Trade Law	4	3
LLM134IPL	Competition Law	4	3
LLM135IPL	Law of E-Commerce	4	3
LLM136IPL	Law of Copyright	4	3
Total		26	22

SECOND SEMESTER

Code	Title	No. of Hrs/ Week	Credits
LLM231IPL	Globalization, Law and Justice	5	4
LLM232IPL	Investment Laws	5	3
LLM233IPL	Law of Patents and Designs	4	3
LLM234IPL	Law of Trademarks and GI	4	3
LLM251IPL	Seminar on Contemporary Issues	3	2
LLM252IPL	Practical - (Teaching Practice)	3	2
LLM281IPL	Dissertation	4	4
Total		28	21

FIRST SEMESTER
LLM151IPL FOUNDATION COURSE
(No. of Hrs. 45)

COURSE OBJECTIVES:

The course aims at understanding the various jurisprudential theories and concepts, the principles of interpretation of statutes, basics of law and economics and also to hone their soft skills in order to enhance their capacities to build a strong foundation for the study of Master of Law course.

LEARNING OUTCOME:

At the end of the course the students will be able to:

1. Understand the various theories and concepts of Jurisprudence.
2. Explain the rules and aids of interpretation of statutes.
3. Enhance their research skills, reading, writing and speaking skills.

UNIT I: INTRODUCTION TO JURISPRUDENCE

7 Hrs

- 1.1 Nature of Jurisprudence
- 1.2 Schools of Jurisprudence-Natural law, Positivism, Pure science of law, Historical, Sociological, Realism, teleological school
- 1.3 Evolution and definition of law
- 1.4 Sources of Law
- 1.5 The Technique of the law-Classification, Titles, Acts, Events
- 1.6 Public Law-Law and the State, Criminal law
- 1.7 The concept of Legal Personality
- 1.8 Rights and Duties
- 1.9 The Concept of Property
- 1.10 Possession and Ownership
- 1.11 Law of Procedure

UNIT 2: THE CONCEPT OF LAW-H.L. A. HART

6 Hrs

- 2.1 Laws, commands and Orders
- 2.2 The variety of Laws
- 2.3 Sovereign and subject
- 2.4 Law as the Union of Primary and Secondary Rules
- 2.5 The foundations of a Legal system
- 2.6 Formalism and Rule Skepticism
- 2.7 Justice and Morality
- 2.8 International Law

UNIT 3: TAKING RIGHTS SERIOUSLY-RONALD DWORKIN **6 Hrs**

- 3.1 Introduction
- 3.2 Model Rules I and II
- 3.3 Hard cases, Constitutional Case
- 3.4 Justice and Rights
- 3.5 Taking Rights seriously
- 3.6 Civil Disobedience
- 3.7 Reverse discrimination
- 3.8 Liberty and Moralism; Liberty and Liberalism

UNIT 4: NATURE OF JUDICIAL PROCESS-BENJAMIN CARDOZA **6 Hrs**

- 4.1 Introduction-The Method of Philosophy
- 4.2 The Methods of History, Tradition and Sociology
- 4.3 The Method of Sociology, The Judge as a Legislator
- 4.4 Adherence to Precedent- The Subconscious element in the Judicial Process

UNIT 5: PRECEDENT IN ENGLISH LAW-RUPERT CROSS **6 Hrs**

- 5.1 The English Doctrine of Precedent
- 5.2 Ratio Decendi and Obiter Dictum
- 5.3 Stare decisis and exceptions to stare decisis
- 5.4 Precedent as a source of law; Precedent and Judicial Reasoning; Precedent and legal theory

UNIT 6: PRINCIPLES OF STATUTORY INTERPRETATION **8 Hrs**

- 6.1 Basic Principles and Guiding Rules
- 6.2 Internal Aids to Construction
- 6.3 External Aids to Construction
- 6.4 Subsidiary Rules
- 6.5 Operation of statutes
- 6.6 Expiry and Repeal of statutes
- 6.7 Statutes affecting the Crown or the State
- 6.8 Statutes affecting the Jurisdiction of courts
- 6.9 Construction of taxing statutes and evasion of statutes
- 6.10 Remedial and Penal statutes
- 6.11 Delegated legislation

UNIT 7: LAW AND ECONOMICS **2 Hrs**

- 7.1 Basics of Law and economics

UNIT 8: SOFT SKILLS

2 Hrs

8.1 Public speaking

8.2 Communication skills-Reading and writing

UNIT 9: INTRODUCTION TO LEGAL RESEARCH

2 Hrs

9.1 Basics of legal research

LLM131IPL RESEARCH METHODS AND LEGAL WRITING

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

COURSE OUTCOME:

By the end of the course the students will be able to:

1. Understand the modern techniques in carrying Legal research especially making use of Library and Computers.
2. Understand the modern methods of conducting the sample survey interpretation of data.
3. Understand the importance of empirical research in Law.

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: BASICS OF LEGAL RESEARCH

12 Hrs.

Learning Outcome: On completion of this UNIT students will be able to understand the basics of research, kinds of research and scientific methods.

- 1.1. Meaning, objectives of legal research
- 1.2. Characteristics of scientific method - applicability of scientific method
- 1.3. Kinds of Research
- 1.4. Concepts and constructs- relationship between theory and fact
- 1.5. Stages of Research Process

UNIT 2: RESEARCH PROBLEM, HYPOTHESIS, RESEARCH DESIGN, SAMPLING

12Hrs.

Learning Outcome: On completion of this UNIT students will be able to understand broadly the criteria for identification of Research Problem Definition, Determination, Sources of Data, Hypothesis - Meaning and definitions, Characteristics, Research Questions and Hypothesis, Research Design - Meaning and essentials of Research

Design, Forms and major steps in Research Design.

- 2.1 Research Problem – Definition, Determination, Sources of Data
- 2.2 Hypothesis – Meaning and definitions, Characteristics, Research Questions and Hypothesis
- 2.3 Research Design – Meaning and essentials of Research Design, Forms of Research Design, and major steps
- 2.4 Testing of Hypothesis
- 2.5 Sampling techniques – definition, basic assumptions, classifications

UNIT 3 :RESEARCH METHODS AND TOOLS

12 Hrs.

Learning Outcome: On completion of this UNIT students will be able to differentiate between Social and legal survey, besides getting a perspective on Case method, Jurimetrics, Questionnaires and Schedule, Observation , interview and Hawthorne effect or observation bias .

- 3.1. Social and legal survey
- 3.2. Case Study method
- 3.3. Jurimetrics
- 3.4. Interview, Questionnaire and Schedule
- 3.5. Observation -Hawthorne effect / observation bias
- 3.6. Doctrinal and Non doctrinal / Empirical Methods of Research

UNIT 4: TABULATION, ANALYSIS, INTERPRETATION, AND REPORTING 12 Hrs.

Learning Outcome: On completion of this UNIT students will be able to get acquainted with the means of Classification and Tabulation of Data, Analysis and interpretation of Data, Use of Statistical methods and computers in legal research, Reporting and Methods of Citations, Ethics in research and Plagiarism

- 4.1 Classification and Tabulation of Data
- 4.2 Analysis and interpretation of Data
- 4.3 Use of Statistical methods and computers in legal research
- 4.4 Reporting and Methods of Citations
- 4.5 Ethics in research and Plagiarism
- 4.6 Research Reports- Case Comment, Articles, Dissertation, Thesis

UNIT 5: LEGAL WRITING

12 Hrs.

Learning Outcome: On completion of this UNIT students will be able to Foundations of writing, Transmittal letter, client opinion letter and e-mail correspondence, Pleadings, Preparation of a Memorandum and outlines of Legislative Drafting

- 5.1 Foundations of writing
- 5.2 Transmittal letter, client opinion letter and e-mail correspondence
- 5.3 Pleadings
- 5.4 Office memo
- 5.5 Memorandum of Law
- 5.6 Appellate brief
- 5.7 Legislative Research and Legislative Drafting; Preparation of draft Bill

SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	TOTAL 100%

SUGGESTED READINGS:

1. Amy E Sloan, Basic Method Research – Tools and Materials
2. Baxi, Upendra, 'Socio-Legal Research in India-A Program Schriff, ICSSR, Occasional Monograph, 1975.
3. Carol M Bast, Foundations of Legal Research and Writing
4. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.
5. Dawson, Catherine, 2002, Practical Research Methods, New Delhi, UBS
6. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
7. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
8. Goode and Hatt, 'Methods in Social Research', Singapore, Mc. Graw Hill Book Co., 1985 (reprint).
9. H.M.Hyman, Interviewing in Social Research (1965)
10. Harvard Law Review Association, Uniform System of Citations.
11. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
12. ILI Publication, Legal Research and Methodology
13. Johari J.C. (ed.), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.

14. Kothari C.K., 'Research Methodology: Method and Techniques', New Delhi, Wiley Eastern Ltd., 1980.
15. Kothari, C.R., 1985, Research Methodology- Methods and Techniques, New Delhi, Wiley Eastern Limited.
16. Kumar, Ranjit, 2005, Research Methodology-A Step-by-Step Guide for Beginners, (2nd.ed.), Singapore, Pearson Education. Whitney, F.L, The elements of Research.
17. Legal Research Methodology Indian Case Laws, www.nyulawglobal.org/globalex/india_legal_research.htm
18. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
19. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
20. N.R. Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Luck now.
21. Ne, The art of Asking Question (1965)
22. Pauline V. Young, Scientific Social Survey and Research, (1962)
23. Payne, The Art of Asking Questions (1965)
24. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
25. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
26. Stone, Julius, 'Legal System and Lawyer's Reasoning', Sydney, Maitland Publications, 1968.
27. William J. Grade and Paul K. Hatt, Methods in School Research, Mc Graw-Hill Book Company London.

ADDITIONAL READINGS:

LINKS:

1. The Legal Information Institute, www.law.cornell.edu
2. FindLaw, www.findlaw.com
3. WashLaw: Legal Research on the Web, www.washlaw.edu
4. The American Bar Association's Public Resources page, www.abanet.org/public.html
5. HierosGamos, www.hg.org
6. Public Library of Law, www.plol.org
7. LexisOne, www.lexisone.com

ARTICLES:

1. How to Research a Legal Problem –American Association of Law Libraries, see www.aallnet.org/sis/lisp
2. [A Guide to India's Legal Research and Legal System](http://www.nyulawglobal.org/globalex/india_legal_research.htm) - www.nyulawglobal.org/globalex/india_legal_research.htm

3. Legal Research Methodology- Indian Case Laws-
<http://indiancaselaws.files.wordpress.com/2013/01/legal-research-methodology1.pdf>
4. Research Methodology - <http://www.newagepublishers.com/samplechapter/000896.pdf>
5. A Guide to India's Legal Research and Legal System-
http://www.nyulawglobal.org/globalex/india_legal_research.htm
6. Sarah E. Valentine- Legal Research as a Fundamental Skill
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1537871
7. How to Research a Legal Problem,
<http://www.aallnet.org/mm/Publications/products/How-To-Research-A-Legal-Problem>

LLM132IPL COMPARATIVE PUBLIC LAW

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: The paper intends to provide a comparative analysis about the structure of government, legislative process and the role of the judiciary to have better understanding of the Indian polity.

COURSE OUTCOME:

After successful completion of this Unit students will be able to:

1. Understand the concept of public law and its various branches. Further the students will be provided with information as to how public law differs from private law and how principles of accountability are important in public law.
2. Distinguish between presidential and parliamentary forms of government including federal and unitary government.
3. Learn as to how the fundamental rights have evolved overhead a period of time as socio, economic & political necessity in order that people in a given State will lead a peaceful and prosperous life with others free from discrimination and exploitation.
4. Locate and understand the various legislative powers that are vested with the central and state governments under the Indian constitution including the subjects that are listed under schedule 7 as union, state and concurrent list and how the laws can be enacted within their sphere of competence.
5. To have a comprehensive view of the nature and organisation of the higher judiciary with their roles and limitations under the constitution and also how important the judiciary is in governance perspective

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: PUBLIC LAW AND GOVERNANCE

12 Hrs.

Learning Outcome: At the end of this UNIT students will be familiar with the concept, scope, principles and concepts of Public Law.

- 1.1. Nature of Public Law
- 1.2. Distinction between Public and Private law
- 1.3. Scope of Public law – Constitutional law, Administrative law and Criminal law

- 1.4. Basic concepts of Public Law
- 1.5. Principles of Accountability and Public Law

UNIT 2: BASIC PRINCIPLES OF ORGANIZATION OF GOVERNMENT AND FORMS OF GOVERNMENT **12 Hrs.**

Learning Outcome: At the end of this UNIT the students will be able to understand the different forms of Government and the basic principles underlying the same.

- 2.1 Presidential and Parliamentary forms of Government
- 2.2 Federal and Unitary Governments
- 2.3 Government under the U.S. Constitution
- 2.4 Basic principles underlying Government in France
- 2.5 Nature of Government in U.K.
- 2.6 Comparative and differentiating features of governance in India, U.K., U.S.A. and France.

UNIT 3: NATURE AND ROLE OF FUNDAMENTAL RIGHTS IN PUBLIC LAW **12 Hrs.**

Learning Outcome: At the end of this the Students will be familiarized with the nature and scope of fundamental rights.

- 3.1 Evolution of Fundamental Rights in U.K., U.S.A., France and India
- 3.2 Scope of Fundamental Rights in U.S.A.
- 3.3 Role of Fundamental Rights in U.K.
- 3.4 Nature and scope of Rights in France
- 3.5 Limits to Fundamental Rights
- 3.6 Public Interest litigation, significance of human rights commissions

UNIT 4: ORGANIZATION OF THE LEGISLATURE AND THE EXECUTIVE **12 Hrs.**

Learning Outcome: At the end of this UNIT the students will be able to appreciate the nature and scope of the legislative and executive powers and the relationship between them.

- 4.1 Organization of Legislature and distribution of legislative powers
- 4.2 Nature of Legislative Process

- 4.3 Extent of Executive Powers
- 4.4 Emergency powers
- 4.5 Relation between Legislative and Executive powers

UNIT5 : JUDICIARY AND JUDICIAL PROCESS**12 Hrs.**

Learning Outcome: At the end of this UNIT the students will be able to appreciate the judiciary as a basic structure and also understand the various dimensions such as judicial review and also understand the concept of judicial process.

- 5.1. Organization of the judiciary
- 5.2. Judicial Review and its implementation
- 5.3. Basic principles of Judicial Process, Precedents, Stare decisis
- 5.4. Evolution and functioning of Tribunals; *droit administratif*
- 5.5. Theory of Basic Structure

SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
TOTAL 100%	

SUGGESTED READINGS:

1. A.V.Dicey, Introduction to the Study of Constitution.
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17. Tom Ginsburg, Rosalind Dixon, Comparative Constitutional Law
18. [Vicki C. Jackson](#), Mark V. [HYPERLINK](#)
"http://www.google.co.in/search?tbo=p&tbm=bks&q=inauthor:%22Mark+V.+Tushnet%22" Tushnet, Comparative Constitutional Law

SELECT CASE LAWS

1. Asif Hameed v. State of J&K [AIR 1989 SC 1899]
2. State of Rajasthan v. Union of India [AIR 1978 SC 1361]
3. KeshavanandBharati v. State of Kerala [(1973) 2 SCR 347]
4. PanditMS.M.Sharma v. Sri Krishna Sinha [AIR 1959 SC 395]

LLM133IPL INTERNATIONAL TRADE LAW (No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: International Trade Law has two aspects: public and private. The public aspect deals with the harmonization and coordination of national commercial policies and private aspect seeks to provide a legal framework for International commercial transactions between individuals belonging to different nationalities. This course covers both public and private aspects.

The World Trade Organization (WTO) is the only global institution seeking to harmonize and coordinate national commercial policies. It stands for the promotion of free trade among nations whereby goods and services can move freely across national frontiers. The course will mainly focus on the WTO with incidental references to other important regional institutions such as European Union, North American Free Trade Area etc. The WTO, as an institution administers many Multilateral Trade Agreements (MTAs) and a few Plurilateral Trade Agreements (PTAs). The presence of a dispute settlement mechanism which de facto has compulsory jurisdiction over all the disputes which may arise between member states has distinguished the WTO from other global institutions; and it is often said that thanks to this unique system, the power-oriented diplomacy has given way to rule-based system. The Appellate Body(AB) which is at the centre of the dispute settlement mechanism has significantly contributed to the development of International Trade Law. International Trade Law, as applied to international commercial transactions is characterized by Prof. Schmitthoff as “transnational commercial law”. This system comprises of general Private International Law principles, international conventions unifying national commercial laws and national legislations there under and also the customary practices developed by international mercantile community represented by bodies such as International Chamber of Commerce. Globalization of national economies, which we have been witnessing, requires a distinct transnational law, recognized and enforced by national courts. The course has one UNIT on transnational commercial law.

India as a member of the WTO is under a legal obligation to promote free trade with other states in accordance with the WTO Agreements. India has panoply of legislations through which this obligation is discharged. The Foreign Trade (Development and Regulation) Act, Customs Act, Foreign Exchange Management Act etc and elaborate delegated legislations under these enactments constitute the legal regime through which international trade policies of the Government of India are implemented.

In the light of the above, the objectives of the course are to familiarize the students about the World Trade Organization and the various agreements entered into under the auspices of the WTO. Students will be given an insight into the transnational

commercial transactions and the related matters thereto. Further an attempt is made to give an overview of the law and policy of India in relation to international trade.

COURSE OUTCOMES:

On the completion of the course the students will be able to-

1. To discuss the structure, functions, sources of WTO.
2. To trace the historical background of WTO.
3. To discuss and analyze the principles of WTO law.
4. To analyze the dispute settlement mechanism of WTO.
5. To discuss various agreements entered into under the auspices of the World Trade Organization.
6. To explain the international sales transactions and allied matters related thereto.
7. The students will also be familiarized with FDI, Customs Act, SEZ's in relation to International trade.

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: THE WORLD TRADE ORGANIZATION- I

15 Hrs.

Learning Outcome: This UNIT aims at giving the students an insight into the history, establishment, structure and functions of WTO. It also deals with the dispute settlement mechanism of WTO. Further, it delves into the important principles of non-discrimination namely the most favored Nation Treatment and National treatment. Further the students are also introduced to dumping and antidumping measures.

- 1.1 Introduction to International trade and the law of the WTO, Sources of WTO Law, Basic rules and principles of WTO Law
- 1.2 Economic Theories of free trade- Absolute Advantage theory; Comparative Advantage theory; Heckscher-Ohlin theory; Leontief Paradox and New trade theory
- 1.3 Historical background- of WTO- Evolution of GATT as a trading institution and transition of GATT to WTO; Marrakesh Agreement
- 1.4 WTO as an International institution- Origin of WTO; Mandate of WTO; Membership of WTO; Institutional structure of the WTO; Decision-making in the WTO; Other Issues- status of WTO; budget of WTO.
- 1.5 WTO Dispute Settlement - Dispute Settlement Understanding; Principles of dispute settlement; Institutions of WTO settlement; WTO dispute settlement proceedings; Main challenges to the WTO dispute settlement system

1.6 Principles of Non-discrimination-Most favored nation treatment and National treatment obligation.

1.7 Dumping-Anti-dumping Measures

UNIT 2: WORLD TRADE ORGANIZATION-II

15 Hrs.

Learning Outcome: At the end of this UNIT the students will be equipped with an understanding of various agreements entered into under the auspices of the World Trade Organization and their importance in International trade relations.

2.1 WTO jurisprudence on TBT and SPS Agreements-Agreement on Sanitary and Phy to Sanitary Measures; Agreement on Technical barriers to Trade

2.2 WTO and environment protection.

2.3 General Agreement on Trade in Services (GATs) - Meaning of trade in services. General obligations. Specific obligations. Financial services. Telecommunication services, India and the GATs.

2.4 Trade-Related Aspects of Intellectual Property Rights (TRIPs) - IPRS covered by TRIPs. Rights of patentees under the TRIPs. Compulsory licensing. Public health and the TRIPs. Indian response to the TRIPs.

2.5 Agreement on Agriculture

2.6 Trade Related Investment Measures (TRIMS)

UNIT 3: TRANSNATIONAL TRANSACTIONS AND RESOLUTION

15 Hrs.

Learning Outcome: This UNIT is aimed at making the students aware of the International Sale of goods transaction and allied matters thereto.

3.1 Transnational Commercial Laws: Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant. Sources of Transnational Commercial Law. Movement towards unification of national commercial laws. UNIDROIT and UNCITRAL.

3.2 International Carriages- Carriage of goods by sea; Carriage by air; Multimodal transportation.

3.3 International Sales of goods- Vienna Convention on Contract for International Sale of Goods; Drafting of International Commercial contracts- an Introduction.

3.4 International Payments- The role of International Chamber of Commerce in the development of Transnational Commercial Laws; Uniform Customs and Practices on Documentary Credits.

3.5 International Commercial Arbitration. UNCITRAL Model Law on International commercial arbitration. Indian Arbitration and Conciliation Act, 1996; Enforcement of foreign arbitral awards.

UNIT 4: LAW AND POLICY ON TRADE AND INVESTMENT- INDIAN PERSPECTIVE **15 Hrs.**

Learning Outcome: At the end of this UNIT the students will be equipped with a brief understanding of the Law and Policy related to Export and Import Trade in India, The students will also be familiarized with FDI, Customs Act, SEZ's in relation to International trade.

- 4.1. Introduction to Law and Policy of Export-Import Trade in India
- 4.2. Foreign Trade (Development and Regulation) Act, 1992.
- 4.3. Foreign Exchange Management Act, 1999.
- 4.4. Special Economic Zones and International trade
- 4.5. Law relating to Customs- Customs Act, 1962
- 4.6. Foreign Investment in India-Liberalization in the nineties. Foreign Investment Promotion Board. Current issues relating to foreign direct investment.
- 4.7. The Industries(Development and Regulation) Act and its application.

SCHEME OF VALUATION

• CIA I - Class Test / Assignment / Presentation	- 10%
• CIA II - Mid Semester Examination	- 25%
• CIA III - Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	TOTAL 100%

SUGGESTED READINGS:

1. A.G. Benjamin's Sale of Goods (6thedn, London: Sweet & Maxwell, 1995)
2. B.Griffin, Day & Griffin, The Law of International Trade (3rdedn, London: Butterworths Lexis Nexis, 2003)
3. BhagirathLal Das, The WTO: a guide to framework for International Trade.
4. C. Debattista, Sale of Goods carried by Sea (2ndedn, London: Butterworth's, 1998)
5. Carole Murray, David Holloway, Schmitthoff's export trade: The Law & Practice of International Trade.
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8. From GATT to the WTO: the multilateral trading system in the new millennium by World Trade Organization Secretariat, Graduate Institute of International studies (Geneva, Switzerland.

9. Indira Carr & Richard Kidner, *Statutes and Conventions on International Trade Law*, 4th edition, Routledge Cavendish.
10. Jackson, John H. and Edwin A. Vermulst, *Anti-Dumping Law and Practice*
11. Jason C.T. Chauh, *Law of International Trade*, Fourth Edition, Sweet and Maxwell, South Asian Edition, 2011.
12. Jayanta Bagchi, *WTO: An India Perspective*, Second edition, Eastern Law house.
13. J.F. Wilson, *Carriage of Goods by Sea*, (5th edn, Harlow, Pearson education, 2004).
14. K.R. Gupta, *A study of WTO*, Second revised edition, Atlantic publishers and Distributors (P) Ltd.
15. M.G. Bridge, *International Sale of Goods: Law and Practice*, (Oxford: Oxford University Press, 1999)
16. Michael J. Trebilcock, Robert Howse, *The Regulation of International Trade*
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18. Nicholas Kouladin, *Principles of Law relating to International Trade*, Springer, 2006.
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21. Palmetier, N. David; Mavroidis, Petros C., *Dispute Settlement in the World Trade Organization: Practice and Procedure*.
22. Raj Bhalla, *International Trade Law: Theory and Practice*, Second Edition, Lexis Publishing, 2001.
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24. Rene David, *Arbitration in International Trade*, Kluwer Law and Taxation Publishers, Netherlands, 1985.
25. Schnitzer, Simone, *Understanding International Trade law*, Universal Publishing House, 2007
26. Vibha Mathur, *WTO and India*.
27. *WTO Analytical Index: Guide to WTO Law and Practice*, WTO Geneva 2003
28. Andrew T. Guzman and Jost Pauwelyn. *International Trade Law: Cases and Materials*, Aspen Publishers. Aspen Publishing, 2009.
29. Parthapratim Pal, *International Trade and India*, Oxford publications.
30. Clive M. Schmitthoff's *Select Essays on International Trade Law*, Kluwer academic publishers.
31. John J. Parker, *Drafting of an International Sales Contract: Problems and Remedies*. University of North Carolina, chapel Hill.,
32. Gabriel Moens, Peter Gillies, *International Trade and Business: Law, Policy and Ethics*, Cavendish Publishing house, 2005

ARTICLES:

1. Andrew T. Guzman. "Dispute Resolution in SPS Cases" *Ten Years of WTO Dispute Settlement*. Ed. Horowitz, Moulis, and Steger. London: International bar Association, 2007. 215-233.
Available at: http://works.bepress.com/andrew_guzman/4
2. B.S.Chimni, *WTO and Environment-Shrimp Turtle and EC-Hormone Cases*, *Economic & Political Weekly*, Vol. 35, No. 20, PP.1752-1761.
3. David Palmeter & Petros C. Maurois, *The WTO Legal System, Sources of Law*, *The American Journal of International Law*, Vol.92, No.3 (July 1998) PP. 398-418
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7. John. H. Jackson, Robert E. Hudec, Donald Davis, *The Role and effectiveness of the WTO dispute settlement mechanism*, *Brooking Trade Forum* (2000) pp. 179-236.
8. John.H. Jackson, *Case of the WTO*, pp. 437-454), <http://www.jstor.org/stable/25144810>
9. K Iida, *WTO dispute settlement effective*, www.jstor.org/stable/27800522
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11. Marc. L. Busch and Eric Reinhardt, *Three's A crowd, Third Parties and Dispute Settlement*, *World Politics*, Vol. 58, No. 3 (Apr., 2006), pp. 446-477
12. [Michael M. Weinstein](#), [Steve Charnovitz](#), *The Greening of the WTO*, *Foreign Affairs*, Vol. 80, No. 6 (Nov. - Dec., 2001), pp. 147-156
13. P. M. Roth, *Passing of Risk*, *The American Journal of Comparative Law*, Vol. 27, No. 2/3, *Unification of International Trade Law: UNCITRAL's First Decade* (Spring - Summer, 1979), pp. 291-310
14. P.Ranjan, *Applicable law in the dispute settlement body of the WTO*, Vol. 44, No. 15, Apr. 11 - 17, 2009 [Economic and Political Weekly](#).
15. [Steve Charnovitz](#), *Environment and Health under WTO Dispute settlement*, *The International Lawyer*, Vol. 32, No. 3, *Symposium on the First Three Years of the WTO Dispute Settlement System* (FALL 1998), pp. 901-92
16. Thomas J. Shoenbaum, *International Trade and protection of the Environment*, *The American Journal of International Law*, Vol. 91, No. 2 (Apr., 1997), pp. 268-313

LLM134IPL COMPETITION LAW

(No. of Hrs. 60- 80 Hrs.)

COURSE OBJECTIVES: The processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. Until recently most of the developing countries operated without a structured competition policy, and have justified the intervention by the state over economic activities. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks provide fundamentals of market economy and extensive knowledge of application of competition policy in India.

The course aims to study the developments of the policy of free and fair competition in India. The course will provide an analysis of the legal developments, from MRTP to the Competition Act. The course will analyze the progress of the Competition Law in various legal systems and also determine the role of WTO in its policies.

COURSE OUTCOME:

Upon the successful completion of this course, the students will be able

- To appreciate the economic theory, practice and analytic tools that underpin and inform Competition law and policy
- To analyze how Competition Law facilitates the promotion of free Competition and acts as an instrument in regulating the markets.
- To apply the law to solve practical problems concerning the control of anti-competitive practices
- To critically appreciate the strategies and mechanisms of Competition law enforcement agencies in India and abroad.
- To research Independently and evaluate solutions to more complex Competition law, Economic, Legal and enforcement issues, through interdisciplinary learning

TEACHING METHODOLOGY: Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

UNIT 1: INTRODUCTION TO COMPETITION LAW

6 Hrs.

Learning outcome: On the competition of this UNIT students will have clarity about evolution, object and functions of Competition law.

- 1.1. Concept of market, Open market- Regulated market, Market functions of role of competition law
- 1.2. Nature & Scope of competition law and policy
- 1.3. Evolution & Growth of competition law
- 1.4. Theoretical foundations of competition law
- 1.5. Competition Act, 2002- overview, definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities

UNIT 2: ANTI- COMPETITIVE AGREEMENTS 08 Hrs.

Learning outcome: On the completion of this UNIT students will have clarity about the types of anti-competitive agreements and testing its validity.

- 2.1. Anti-competitive agreements: Concept, forms and treatment in India
- 2.2. Parallel import
- 2.3. Treatment of anti- competitive agreements under USA, EU, UK, Australia

UNIT 3: ABUSE OF DOMINANT POSITION 08 Hrs.

Learning outcome: On the completion of this UNIT students will have a clear understanding about the practices covered by abuse of dominant position.

- 3.1. Abuse of dominant position: Concept, forms and treatment in India
- 3.2. Essential facilities doctrine
- 3.3. Refusal and abuse of dominant position.
- 3.4. Pricing strategies and abuse of dominant position
- 3.5. Treatment of abuse of dominant position under USA, EU, UK, Australia

UNIT 4: COMBINATIONS 10 Hrs.

Learning outcome: On the completion of this UNIT students will have a clear understanding about the practices in connection with combinations.

- 4.1. Combinations: Concept, forms, reasons and regulatory framework in India
- 4.2. Different tests for studying the impacts of combinations in the market
- 4.3. Unilateral and co- ordinate effects of combinations
- 4.4. Foreclosure
- 4.5. Failing firm
- 4.6. Creeping acquisitions
- 4.7. Regulation of Cross- border combinations

4.8. Treatment of combinations under USA, EU, UK, Australia

UNIT 5: COMPETITION COMMISSION OF INDIA **4 Hrs.**

Learning outcome: On the completion of this UNIT students will have a clear understanding about the role of the CCI.

- 5.1. Composition, powers and function of CCI
- 5.2. Role of the DG
- 5.3. Appellate Tribunal
- 5.4. Penalties and remedies

UNIT 6: IPR AND COMPETITION LAW **08 Hrs.**

Learning outcome: On the completion of this UNIT students will have a clear understanding about the conflicting issues regarding the IPR and competition laws.

- 6.1. Theoretical basis of IPR and Competition law
- 6.2. TRIPs and its impact on competition law regime
- 6.3. Abuse of IPR and competition law (agreements, abuse of dominant position, combination)
- 6.4. Doctrine of exhaustion and its treatment
- 6.5. Modern trend to the conflict in IPR and Competition law

UNIT 7: INVESTMENT AND COMPETITION LAW **08 Hrs.**

Learning outcome: On the completion of this UNIT students will have a clear understanding about the investment issues under the competition laws.

- 7.1. WTO norms for investment
- 7.2. OECD guidelines in investment
- 7.3. FDI policies and its impacts on Competition in domestic market
- 7.4. Regulation of FDI in India, USA, EU, UK, Australia

UNIT 8: MODERN DIMENSIONS OF COMPETITION LAW **08 Hrs.**

Learning outcome: On the completion of this UNIT students will have a clear understanding about the different modern dimensions of competition law.

- 8.1. WTO and its impacts on Competition Laws with reference to UNCTAD
- 8.2. International enforcement and judicial assistance
- 8.3. Applicability of competition law into agricultural sector

- 8.4. Dumping
- 8.5. State aid
- 8.6. Recession

SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	TOTAL 100%

SUGGESTED READINGS

1. Alexandra Karmerling, Restrictive Covenants Under Common And Competition Law: London Sweet And Maxwell 2007.
2. Alphen aan den Rijn, The reform of EC competition law : new challenges
3. Avtar Singh; Competition Law; Eastern Law House, 2012-11-27
4. Competition Law and Cartels ICFAI University,
5. Competition Law in India; Srinivasan Parthasarthy; Wolter Kluwer, 2012
6. Competition Law-Emerging Trends: ICFAI University
7. D P Mittal, Competition Law and Practice : New Delhi Taxmanns Allied Services 2008
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LLM135IPL LAW OF E-COMMERCE

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: This subject aims at an understanding of the basic principles of E-Commerce and gives an insight into the application of this important area. It also analyses the impact of other areas such as IP and attempts a holistic view. It would make the students aspiring for corporate jobs more up-to-date.

COURSE OUTCOMES:

At the end of the course students will be able to -

- a) Student will be to apply law to the technology applicable to e-commerce and legal regime of e-commerce.
- b) Students will be able to differentiate electronic commerce from other kinds of commercial transaction
- c) Students will be able to draft electronic contracts as well as identifying the laws applicable to electronic contracts
- d) Students will be able to identify the legal challenges faced by consumer protection laws in online transactions
- e) Students will be able to analyse the legal framework existing for the protection of consumer rights
- f) Students will be able to critically analyse the legal framework regulating IPR in electronic transactions.
- g) Students will be able to apply the relevant laws in a given cases of IPR Violations in electronic transactions
- h) Students will be able to critically analyse the existing legal framework regulating taxation as well as drafting policies for effective taxation of e-commerce transactions
- i) Students will be able to identify the jurisdictional issues in deciding e-commerce disputes

TEACHING METHODOLOGY: Lecture, Group Discussion, PowerPoint Presentation, Simulation Exercise, etc. as per the requirement of each UNIT.

UNIT 1: INTRODUCTION TO E- COMMERCE

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the technology and legal regime of e-commerce.

- 1.1. Concept of e- commerce and differences with e- business
- 1.2. Advantages and disadvantages of e- commerce
- 1.3. Types of e- commerce
- 1.4. Medium and Transactions in e- commerce
- 1.5. UNCITRAL Model Law on e-commerce,
- 1.6. Information Technology Act,2000

UNIT 2: CONTRACTS IN ELECTRONIC ENVIRONMENT

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the contractual issues related to e-commerce and distinguish them from ordinary contracts.

- 2.1. E-contracts – concept, offer and acceptance,
- 2.2. Acceptance of contract: applicability of postal rule
- 2.3. E-commerce directives and Regulations
- 2.4. Incorporation of terms
- 2.5. Identity of contracting parties
- 2.6. E-contracts: extent of details
- 2.7. Breach of contract

UNIT 3: ELECTRONIC SIGNATURE

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the differences between secured and unsecured electronic documents, encryption of documents and the provisions of law related thereto.

- 3.1. Provisions under IT Act
- 3.2. Certifying authorities
- 3.3. Issuing authorities
- 3.4. PKI
- 3.5. Electronic Signature Certificate
- 3.6. Grant, Revocation and withdrawal of ESC

UNIT 4: PAYMENT ISSUES

8 Hrs.

Learning Outcome: On completion of this UNIT students will be able to identify risks involved in online payments and the legal provisions related to the same.

- 4.1. Modes and mechanism of payment in electronic environment
- 4.2. Fraud Risk and Protection

- 4.3. Breach of contract
- 4.4. Charge back agreements
- 4.5. EDI
- 4.6. Electronic fund transfer

UNIT 5: CONSUMER PROTECTION

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the consumer related issues of e-commerce.

- 5.1. Concept of the rights of consumer
- 5.2. Problems of protection of consumers in virtual world
- 5.3. Consumer Protection Act, 1986
- 5.4. EC Directive on distance selling
- 5.5. E-commerce Directives and consumer protection

UNIT 6: IPR ISSUES IN E- COMMERCE

10Hrs.

Learning Outcome: On completion of this UNIT students will be able to explain the intellectual property in digital media.

- 6.1. Digital copyright, linking, caching
- 6.2. Digital rights management, DMCA, Patents, Trademarks and domain names
- 6.3. Brand identities, search engines and secondary market
- 6.4. ICANN,
- 6.5. Database Right – Digital Copyrights
- 6.6. Open Source
- 6.7. Software Patents
- 6.8. Right to forgetting

UNIT 7: TAXATION IN E COMMERCE

7 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the taxation related issues of e-commerce.

- 7.1. Problem of taxation in virtual world
- 7.2. OECD guidelines on taxation
- 7.3 Tax structure on e- commerce in India (Direct, Indirect, and VAT)
- 7.4. EU, US practice on taxation on electronic commerce

UNIT 8: JURISDICTION ISSUES IN E- COMMERCE

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the problems of jurisdiction in respect of e-commerce and the related case law.

- 8.1. Theoretical framework to address multiple jurisdictions
- 8.2. Application of the principles of Private International law
- 8.3. Hague Convention, EC Regulations (Brussels & Rome)
- 8.4. Minimum contact test, Effect test, Zippo Test
- 8.5. Current trends

UNIT 9: E- COMMERCE AND COMPETITION ISSUES

6 Hrs.

Learning Outcome: On completion of this UNIT students will be able to discuss the problems in the market in respect of e-commerce and the related case law.

- 9.1. Impacts of e- commerce in traditional market

UNIT 10: CLOUD COMPUTING AND E-COMMERCE**6 Hrs.**

Learning Outcome: On completion of this UNIT students will be able to discuss the problems in cloud computing in respect to e-commerce and the related laws in this respect.

- 10.1. Concept of cloud computing
- 10.2. Impacts of cloud computing in e-commerce

SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	TOTAL 100%

SUGGESTED READINGS

1. Paul Todd. *Law of E-commerce*. London: Cavendish, 2008.
2. Sharma, Vakul. *Information Technology: Law and Practice*. 2nded. New Delhi: Universal Law Publishing Co., 2007.
3. Ramappa, T. *Legal Issues in Electronic Commerce*. Delhi: Macmillan, 2003.
4. Schellekens, M. H. M. *Electronic Signatures: Authentication Technology from a Legal Perspective*. The Hague: T. M. C. Asser Press, 2004.
5. Ahmad, Tabrez. *Cyberlaws, e-commerce & m-commerces*. New Delhi: A. P. H. Publishing Corporation, 2009.
6. Phillips, Jeremy. *Butterworths E-commerce and IT Law Handbook*. 4th ed. London: LexisNexis Butterworths, 2007.
7. Seth, Karnika. *Cyber Laws in the Information Technology Age*. New Delhi: LexisNexis ButterworthsWadhwa, 2009.
8. Ryder, Rodney. *Guide to Cyber Laws*. 3rded. New Delhi: Wadhwa& Co., 2007.

LLM136IPL LAW OF COPYRIGHT

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: Copyright law from its historic origins has evolved as a response to the change in the new technology and is known for its complexities both on the procedural and substantive aspects which make it a favourite subject for both academicians and practicing lawyers. This paper is aimed to expose the students to such philosophical conundrums and the practical issues associated thereto, especially in light of the digital technology. The paper also aims to analyse the effectiveness of the 2012 Copyright Amendment Act to deal with the various issues that are evolving in light of the digital technology and mass communication. Students will also be exposed to the practical side of drafting licensing agreements and the procedure for registration.

COURSE OUTCOMES

At the end of the course students will be able to -

1. Identify and describe the basic requirement of copyright protection and ownership of copyrighted works.
2. List out the rights enjoyed by copyright owners.
3. Apply the principles of copyright protection to legal problems correctly.
4. Analyse the principles related to infringement of copyright.
5. Evaluate as against other the international legal framework related to copyright protection and articulate the problem areas for the deficiency.

TEACHING METHODOLOGY:

Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: ELIGIBILITY AND SUBJECT MATTER

15 Hrs.

Learning Outcome: This UNIT will enable the students to understand the conceptual basis of copyright protection and the different works protected.

1.1. History of Copyright protection, Originality; idea-expression dichotomy; doctrine of merger, Works protected under Copyright

UNIT 2: ACQUISITION OF COPYRIGHT

15 Hrs.

Learning Outcome: This UNIT will expose the students to the various aspects of different rights granted under copyright, the concept of moral rights and other related rights

2.1. Meaning of copyright; Procedure for registration of copyright; Moral Rights and related/ neighbouring rights; Different statutory agencies under the Copyright Act and their roles

UNIT 3: OWNERSHIP AND TRANSFER

15 Hrs.

Learning Outcome: This UNIT will enable the students to learn the practical aspects of transfer of copyright and collective administration of rights

3.1. The concept of authorship and ownership in copyright law; Assignment and licensing of rights; drafting of agreements to transfer copyright and related rights; collecting societies and administration of rights; compulsory and statutory licensing

UNIT 4 - INFRINGEMENT AND REMEDIES

15 Hrs.

Learning Outcome: This UNIT will provide an in-depth understanding on the concept of fair use/ dealing in copyrighted works and the concept of infringement and remedies thereto

4.1. Fair dealing/ fair use - comparison of US, UK & India; ISP liability, Digital Rights management, Remedies for infringement

SCHEME OF VALUATION

- CIA I - Class Test / Assignment / Presentation - 10%
- CIA II - Mid Semester Examination - 25%
- CIA III - Research Topic - 10%
- Attendance - 05%
- End Semester Examination - 50%

TOTAL 100%

SUGGESTED READINGS

1. Adeney, Elizabeth. *The Moral Rights of Authors and Performers: An International Comparative Analysis*. London: Oxford University Press, 2006.
2. Alain Strowel, *Peer to peer File Sharing and Secondary Liability in Copyright Law*, Edward Elgar, 2009

3. Cohen, Loren et.al, *Copyright in the Global Information Economy*, Aspen, 2nd ed., 2006
4. *Copinger and Skone James on Copyright*, Vol. 1, Sweet & Maxwell, 2010
5. Cornish, Graham P., *Copyright: Interpreting the Law for Libraries, Archives and Information Service*, Facet Publishing, London, 2009
6. D'AgostinoGuisseppina, *Copyright, Contracts, Creators: New Media, New Rules*, Edward Elgar, 2010
7. ElezabethAdeney, *The Moral Rights of Authors and Performers: An International and Comparative Analysis*, OUP, 2006
8. Gervais, *Collective management of Copyright and Related Rights*, Kluwer, 2010
9. *Goldstein on Copyright Law*, Kluwer, 2000
10. Gopalakrishnan, N. S. &Agitha T. G, *Principles of Intellectual Property*, Eastern Book Company, 2009
11. Jude C. Umeh, *The World beyond Digital Rights Management*, british Computer Society, UK, 2007
12. Kathey Bowery, *New Directions in Copyright Law*, Edward Elgar, 2007
13. Lionel Bently et.al., *Copyright and Piracy: An Interdisciplinary Critique*, CUP, 2010
14. LiorZemer, *Idea of Authorship in Copyright Law*, Ashgate, 2007
15. *Nimmer on Copyright Law*, LexisNexis, 2007
16. Nimmer, *Copyright Illuminated*, Kluwer, 2008
17. Okediji, Cohen et.al., *Copyright in a Global Information Economy*, Aspen, New York, 2006
18. Stamatoudy, Irini A., *Copyright Enforcement and the Internet*, Kluwer, 2010
19. StavroulaKarapapa, *Private Copying*, Routledge 2012

SECOND SEMESTER

LLM231IPL GLOBALIZATION, LAW AND JUSTICE

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: It is said that we are now living in a global neighborhood, which is not yet global village. This is the result of the so called “globalization” which refers to those processes that tend to create and consolidate a unified economy, a single ecological system, and a complex network of communications that covers the whole globe, even if it does not penetrate into every part of it. We find in every discipline studies under the titles global, globalism and globalization but not much in the discipline of law and now it is entering it also. The process of globalization has its own impact on every discipline and this paper or course intends to study its influence on the discipline of law. The purpose is to sensitize students of law about implications of the process of globalization on basic principles, concepts and ideas underlying the discipline of law. To name a few the concept of law itself, justice, human rights and legal process. The thrust is to analyze and evaluate them from a global perspective.

COURSE OUTCOMES:

At the end of the course the students will be able to:

- Identify and explain the nature of globalisation and its impact on the developments of law and legal theory;
- Analyse the various issues like human rights, sovereignty of nation-state, legitimacy of international law in the wake of globalisation; and
- Develop a critical understanding about globalisation vis-a-vis various global issues as well as various theories of justice.

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: GLOBALIZATION: PROCESS AND ITS EFFECTS

12 Hrs.

Learning Outcome: At the end of this UNIT the students will be able to understand the concept of globalization and its impact on society in the 21st century

- 1.1. Concept of Liberalization, Privatization, Globalization, Meaning and definition of globalization, nature, scope and limits of globalization, Different kinds.
- 1.2. History and evolution of globalization.
- 1.3. Causes and consequence of globalization, effect of globalization on economic, social, cultural and political aspects of life in twenty-first century.
- 1.4. Effect of globalization on law and justice-an introduction

UNIT 2: GLOBALIZATION AND LEGAL THEORY

12 Hrs.

Learning outcome: At the end of this UNIT the students will be equipped to appreciate jurisprudence in the context of globalization and inter relation between legal theory and globalization

- 2.2 Globalization and legal theory, the need for the study of concept of law from a global perspective.
- 2.3 Basic concepts of law in western legal thought. A brief analysis of positivist, normative and realist theories of law in western tradition.
- 2.4. The concept of justice and its relation to law in Western and Indian Legal thought and concept of Dharma as a legal tradition. The relation between law and justice.
- 2.5. Normative Jurisprudence, the western heritage, classical utilitarianism, Benthamite and modified Benthamite utilitarianism.
- 2.6. Theories of Justice Rawls and Pogge.

UNIT 3: POLICY ISSUES

12 Hrs.

Learning outcome: this UNIT will help the students understand the policy issues governing globalization

- 3.1. Globalization and Democracy
- 3.2. Rule of Law-economic development-political development
- 3.3. Globalization and Justice
- 3.4. Globalization and Security

UNIT 4: HUMAN RIGHTS IN THE CONTEXT OF GLOBALIZATION

12 Hrs.

Learning outcome: At the end of this UNIT the students will be in a position to understand the human rights in the context of globalization.

- 4.1. Human rights theory: Five Perspectives
- 4.2. Human Rights law as universal-criticism and rhetoric or Rights
- 4.3. Human Rights and the challenges-pluralist theories and Sen's challenge

4.4. Human Rights and Southern voice-Upendra Baxi.

UNIT 5: HARMONIZATION OF LAW

12 Hrs.

Learning Outcome: At the end of this UNIT students will be able to understand the need for integrating law with globalization

- 5.1. Public and Private International Law governance
- 5.2. Regulation of International banks and money laundering
- 5.3. Harmonization of private commercial law-*lex mercatoria*
- 5.4. Harmonization of Intellectual Property law
- 5.5. Jurisdictional Issues in the era of globalization.

SCHEME OF VALUATION

• CIA I – Class Test / Assignment / Presentation	- 10%
• CIA II – Mid Semester Examination	- 25%
• CIA III – Research Topic	- 10%
• Attendance	- 05%
• End Semester Examination	- 50%
	TOTAL 100%

SUGGESTED READINGS:

1. Jan Aart Scholte, Globalization – A critical introduction
2. Jarrod Wiener – Globalization and the harmonization of law
3. Michael Goodhart – Democracy as Human Rights – Freedom and Equality in the age of Globalization
4. James H Mitelman, The Globalization Syndrome
5. Manfred B. Steger, Globalization –A very Short introduction-Oxford introductory series.
6. Thomas Fleiner & Lidija R. Basta Fleiner, Constitutional democracy in a multicultural and globalised world, Springer.
7. William Twining, General Jurisprudence; Understanding Law from a Legal perspective, Cambridge, Cambridge University, 2009
8. William Twining, Globalization and Legal Theory, New York: Butterworths, 2006.
9. Boaventura d Sousa Santos, Towards a New Legal Common Sense: Law, Globalization and Emanicipation, London: Butterworths, 2002.
10. Otto A Bird, The Idea of Justice, New York: Frederick A Praeger, 1968
11. M.D.A. Freeman, Lloyd’s Introduction to Jurisprudence, London: Sweet and Maxwell, 2010

12. Amartya Sen, *The idea of Justice*, New Delhi: Allen Lane, 2009.
13. Upendra Baxi, *The Future of Human Rights*, New Delhi: Oxford University Press, 2006.
14. Thomas Pogge, *Global Justice*, Oxford: Blackwell, 2001
15. B.S. Santos and Cesar A. Rodriguez-Gravito (ed.), *Law and Globalization from below: Towards a Cosmopolitan Legality*, New York Cambridge University Press, 2005.

LLM232IPL INVESTMENT LAWS (No. of Hrs. 60-80)

COURSE OBJECTIVES: This course seeks to provide the investment mechanism in India and the regulatory framework for the protection of investor and other stake holders of the market.

COURSE OUTCOME:

At the end of the course the students will be able to:

1. Explain and analyze the legal and regulatory framework governing investments in India.
2. List out the importance, characteristic features and functions of the various markets.
3. To define, explain and analyze the basic concepts, financial system and financial instruments relating to investments.
4. To explain the concept of mutual funds, venture capital and collective investment schemes.
5. Explain the constitution, powers, functions and working of SEBI and the Securities Appellate Tribunal
6. Discuss the depository system and analyze the provisions of the Depositories Act, 1996
7. To evaluate the principles relating to International Investments.
8. Analyze the legal concepts, principles, cases and provisions applicable thereto.
9. Devise a correct way of handling legal problems.
10. To develop good analytical skills that is a pre-requisite for good advocacy.

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT 1: INTRODUCTION

10 Hrs.

Learning outcome: On completion of this UNIT, students will be familiar with the legal framework of various investment laws applicable in India.

- 1.1 Meaning of investment and market
- 1.2 Nature and risk associated with investment

1.3 Evolution of Investment and bargaining norms

UNIT 2: SHARES

10 Hrs.

Learning outcome: To understand the basic concepts of raising corporate finance and the laws related to the same

- 2.1. Definition and nature
- 2.2. Shares and Shareholders
- 2.3. Stock and Shares
- 2.4. Certificate of shares
- 2.5. Call on shares
- 2.6. Lien on shares
- 2.7. Minimum subscription
- 2.8. Share capital
- 2.9. Issue and allotment of shares
- 2.10. Transfer and Transmission of shares
- 2.11. Debentures, Charges and Deposits
- 2.12. Inter-Corporate loans and investments

UNIT 3: SECURITIES CONTRACTS

10 Hrs.

Learning outcome: To provide working knowledge of the operation of the legal framework of stock exchange and the legal sanctions behind various market regulatory authorities

- 3.1. Basic Features of the Securities Contracts
- 3.2. Recognition of Stock Exchange
- 3.3. Derivatives
- 3.4. Options and futures
- 3.5. Debt & Money Market Instruments
- 3.6. Mutual Funds, Venture Capital, Collective Investment Schemes
- 3.7. Methods of Resource Mobilization in International Capital Market
- 3.8. Listing of securities
- 3.9. Penalties and procedure for adjudication

UNIT 4: SECURITIES AND EXCHANGE BOARD**10 Hrs.**

Learning outcome: To expose the students specifically to the establishment of SEBI, its constitution, roles, powers, functions etc.

- 4.1. SEBI constitution
- 4.2. Powers and Functions of SEBI
- 4.3. Securities Appellate Tribunal
- 4.4. SEBI (Disclosure & Investor Protection) Guidelines

UNIT 5: DEPOSITORIES ACT**10 Hrs.**

Learning Outcome: To give an account of the depositories system in India, its operation and legal framework.

- 5.1. Salient features
- 5.2. Agreement between depository and participant
- 5.3. Registration of transfer of securities with depository
- 5.4. Stamp duty on transfer
- 5.5. Non-Banking Financial Institutions

UNIT 6: PRINCIPLES OF INTERNATIONAL INVESTMENT LAW 10 Hrs.

Learning outcome: To enable the students to understand the basic principles of international investment and investment related treaties

- 6.1. International treaties
- 6.2. Types of Investment contracts
- 6.3. Applicable law
- 6.4. Stabilization clauses
- 6.5. Renegotiation and adaptation

SCHEME OF VALUATION

- CIA I – Class Test / Assignment / Presentation – 10%
 - CIA II – Mid Semester Examination – 25%
 - CIA III – Research Topic – 10%
 - Attendance – 05%
 - End Semester Examination – 50%
- TOTAL 100%**

SUGGESTED READINGS

1. Chandratre,K.R, et,al. *Bharat's SEBI Compendium*. 2Vol, 4th Ed. New Delhi: Bharat Law House, 2010.
2. Ferran,Eilis. *Principles of Corporate Finance Law*. Oxford: Oxford University Press, 2008.
3. Khilnani,D.T. *FEMA Ready Reckoner*. 2Vol, 12th Ed. New Delhi: Snow White Publications Pvt., 2007.
4. Myneni, S.R. *Law of Investment and Securities*. Hyderabad: Asia Law House, 2006.
5. Puliani,Ravi, et,al,eds. *Bharat's Manual of SEBI Act,Rules,Regulations,Guidelines,Circulars,ETC*. 2Vol, New Delhi : Bharat Law House Pvt,2007.
6. Saxena, Ashok. *Bharat's Foreign Exchange Management Manual*. 3Vol, 5th Ed. New Delhi: Bharat Law House, 2008.
7. Singh,Avtar. *Company Law*. 14th ed. Lucknow: Eastern Book Company, 2004.
8. Taxman. *Taxman's Foreign Exchange Management Manual: With Foreign Exchange Laws Ready Reckoner*. 2Vol, 18th Ed. New Delhi: Taxman Publications, 2011.
9. Taxman. *Taxman's SEBI Manual*. 2Vol, 15th Ed. New Delhi: Taxman Publications, 2010.

LLM233IPL LAW OF PATENTS AND DESIGNS

(No. Of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: Patents are the exclusive monopoly rights granted to an inventor which could be used as a powerful tool for commercial exploitation of the patented invention. Determination of the rights of the patent holder is done taking into consideration the patentability of the invention, patent eligibility and the scope of the claims. This paper is aimed to give students a detailed account of the mandates in relation to patentability and patent eligibility which will equip them as better practitioners and researchers. The paper aims to give adequate emphasis to the procedural aspects of patent law in relation to acquisition and transfer of rights. The paper aims to analyse in detail the concept of infringement through interpretation of claims which carries a lot of significance in relation to patent litigation and research. The law relating to industrial designs is also included in detail.

COURSE OUTCOME:

At the end of the course students will be able to –

1. Identify and describe the concept taught in the respective module.
2. List out the essential characteristic of the concept
3. Apply the concept correctly to legal problems.
4. Analyse the legal concept.
5. Evaluate as against other events of a similar nature and articulate the problem areas for the deficiency. Devise a correct way of handling the legal problem

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirement of each UNIT.

UNIT: 1 ELIGIBILITY AND SUBJECT MATTER

15 Hrs.

Learning outcome: This UNIT will enable the students to develop a clear understanding about the requirements in relation to patentable subject matter and the criteria for the grant of patents and also expose them to the challenges in relation to specific fields such as biotechnology, computer software and pharmaceuticals.

- 1.1. Test of novelty, inventive step and utility; patentable inventions under s. 3; Article 27 of the TRIPS Agreement; patentability of biotechnological inventions, pharmaceuticals and computer software

2. Cook, Trevor. *Pharmaceuticals Biotechnology and the Law*. 2nded, LexisNexis, 2009
3. Donald S. Chisum, *Chisum on Patent Law*, LexisNexis, 2008
4. Fisher, Mathew, *Fundamentals of Patent Law: Interpretation and Scope of Protection*, Hart Publications, 2007
5. Geertrui Van Overwalle, *Gene Patents and Collaborative Licensing Models*, CUP, Cambridge, 2009
6. Gomulkiewics, Nguyen, Conway-Jones, *Licensing Intellectual property: Law and Application*, Aspen 2008
7. Gopalakrishnan, N. S. & Agitha T. G, *Principles of Intellectual Property*, Eastern Book Company, 2009
8. Grubb, Philip W. and Thomson, Peter, *Patents for Chemicals, Pharmaceuticals and Biotechnology: Fundamentals of Global law, Practice and Strategy*, Oxford university Press, New York, 2010
9. Holger Hestermryer, *Human Rights and the WTO: The Case of Patents and Access to Medicine*, OUP, New York, 2007
10. Joseph Straus et.al., *Patents and Technological Progress in a Globalized World*, Springer, Berlin, 2009
11. Nard, *The Law of Patents*, Aspen, 2008
12. Richard F. Cauley, *Winning the Patent Damages Case*, OUP, New York, 2008
13. Terrell on the Law of Patents, Sweet & Maxwell, 2011
14. Uma Suthersanan, *Innovation without Patents: Harnessing the Creative Spirit in a Diverse World*, Edward Elgar, 2007
15. Verkey, Elizebeth, *Law of Patents*, Eastern Book Company, Lucknow, 2004
16. Watal, Jayashree, *Intellectual Property Rights in the WTO and Developing Countries*, Oxford University Press 2001
17. William Van Caenegem, *Intellectual property Law and Innovation*, Cambridge University, New York, 2000

LLM234IPL LAW OF TRADEMARKS AND GEOGRAPHICAL INDICATIONS

(No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: In the present day, the creation of brands and brand value has made trademarks popular even among the common man. Free-riding is a common issue in trademark protection and to effectively deal with the same, lawyers must be familiar with the nitty-gritty of the trademark law. With this objective in mind, this paper aims to cover the substantive and procedural aspects of trademark law, including the licensing issues, infringement and remedies. The paper also aims to cover the law relating to geographical indications in India which has close resemblance with trademark in its function.

COURSE OUTCOMES:

On successful completion of this unit

- Students can classify the differences between conventional and non conventional trademark
- Understand the theoretical and philosophical justifications of trademark protection.
- To practically understand the registration process.
- To describe the laws on trademarks and discuss the merits and demerits of registration of trademarks and Infringement.
- To interpret and analyse the procedure for registration of GI
- To examine the rights, duties and powers of holders

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point Presentations, Video Presentation etc., as per the requirement of each UNIT.

UNIT 1: ELIGIBILITY AND SUBJECT MATTER

15 Hrs.

Learning Outcome: this UNIT will expose the students to the historical and theoretical foundations of trademark protection.

1.1. Historical Evolution of trademark protection; functions of trademarks; the concept of distinctiveness and consumer deception, meaning and definition of trademark

UNIT 2: ACQUISITION OF TRADEMARKS

15 Hrs.

Learning Outcome: This UNIT will enable the students to learn the practical aspects of

acquisition and transfer of trademarks

2.1. Procedure for registration of trademark; Filing of applications; International registration under the Madrid system; grounds for refusal of registration; trademark licensing

UNIT 3: INFRINGEMENT AND REMEDIES

15 Hrs.

Learning Outcome: This UNIT will equip the students to understand the concept of deceptive similarity underlying the notion of infringement. It will also enable the students to understand the concept of dilution and the recent trends in passing off

3.1. Infringement and passing off; concept of deceptive similarity; honest and concurrent use; recent trends in passing off; the concept of dilution, well-known marks

UNIT 4: LAW RELATING TO GEOGRAPHICAL INDICATIONS

15 Hrs.

Learning Outcome: This UNIT will enable the student to learn the substantive and procedural aspects of the law relating to geographical indications in India

4.1. Meaning and definition; goods protected, procedure for registration, rights, nature of protection; beneficiaries, infringement and remedies

SCHEME OF VALUATION

- CIA I – Class Test / Assignment / Presentation – 10%
- CIA II – Mid Semester Examination – 25%
- CIA III – Research Topic – 10%
- Attendance – 05%
- End Semester Examination – 50%

TOTAL 100%

SUGGESTED READINGS

1. Amanda Michaels, A Practical Approach to Trademark Law, OUP, 2010
2. Andrew Griffiths, An Economic Perspective on Trademark Law, Edward Elgar, 2011
3. Aspatore Inc., Understanding Trademark and Copyright Developments for Online Content: Leading Lawyers on Understanding New Technology Challenges, Obtaining IP Protection for Clients and Litigating Internet Infringement, Aspatore Books, 2010
4. Battersby & Grimes, Trademark and Copyright Disputes: Litigation Forms and Analysis, Aspen, 2003

5. Carvalho, *The TRIPS regime of Trademarks and Designs*, Kluwer, 2006
6. Echols, Marsha. A. *Geographical Indications for Food Products*, Kluwer Law International, 2008.
7. Fhima, Ilanah Simon, *Trademark Dilution in the Europe and the United States*, OUP, 2011
8. James Mellor, David Llewelyn et.al., *Kerly's Law of Trademarks and Trade Names*, Sweet & Maxwell, 2011
9. Lipton, Jacqueline, *Internet Domain Names, Trademarks and Free Speech*, Edward Elgar, 2010
10. Wilkof, Neil J., and Daniel Burkitt. *Trademark Licensing*. 2nded, Sweet & Maxwell, 2005.

LLM251IPL SEMINAR ON CONTEMPORARY ISSUES

(No. of Hrs.30-45 Hrs.)

COURSE OBJECTIVES: To implement and evaluate an innovative approach to a law seminar course intended to develop students' presentation skills and encourage them to think critically about contemporary legal issues. Further, the objectives of this course are to enhance verbal and written presentation skills of students and to develop analytical skills as students learn about sides of a contemporary issue in legal practice. The students also enhance their skills in providing peer evaluations Specific School curricular competencies addressed by the course are: (1) maintain professional competence by identifying and analyzing emerging issues; and (2) participate in self-learning and professional development

COURSE OUTCOMES:

On completion of the course students will be able to:

1. Develop and apply better skills in writing and presentation
2. Improve their presentation skills
3. Learn to collect data to keep up with the latest developments in the area of the topic chosen by them
4. Select contemporary legal issues, prepare and present topics - thereby enhancing their research and presentation skills
5. Appreciate and analyse case laws and develop a critical approach towards assessment of case laws thereby enhancing their academic and professional capabilities.
6. Will have an impression about the varied state of legal awareness in India and play an active role in spreading legal awareness

TEACHING METHODOLOGY: Lecture, Group discussion, Power Point presentation, documentaries, student presentations, quiz etc., as per the requirements of each UNIT.

Learning Outcome: At the end of this UNIT the students will be equipped with good writing, analytical and presentation skills

UNIT 1: TIPS ON WRITING AND PRESENTATION SKILLS

6 Hrs.

- 1.1. Abstract writing
- 1.2. Learning Objectives
- 1.3. Use of Visual aids

UNIT 2: PRESENTATIONS ON CONTEMPORARY LEGAL ISSUES **20 Hrs.**

UNIT 3: PRESENTATIONS ON CASE LAWS **15 Hrs.**

UNIT 4: LEGAL AWARENESS CAMP

ASSESSMENT -

Fifty percent of the evaluation will be done on the basis of student ability to select the contemporary issue and preparing a report. The remaining fifty percent is allotted to presentation of the legal issue.

LLM252IPL PRACTICAL- (TEACHING PRACTICE)

COURSE OBJECTIVES: To equip the students to teach UG law students and make them understand art of preparing for the classes. This course is in continuation of the Practical -II

COURSE OUTCOMES:

On completion of the course students will be able to:

- Develop and apply better skills in presentation and teaching
- Improve their preparation skills
- Learn to collect data to keep up with the latest developments in the area of the topic chosen by them
- The student will be able to prepare a report and comment on the areas of the subject taught by them during teaching. It develops their critical approach to the subject and enhances their capabilities while teaching and in research

DESIGN: Students will be assigned a topic from UG courses and they have to prepare and teach the UG students in classroom. Students are required to research and prepare teaching report and notes for the class. Students have to make their presentations before the panel constituted for the purpose before engaging a UG class. Students are required to prepare for the UG class under the guidance of a Teacher. Students have to engage 10 sessions to satisfy the requirement of this course.

ASSESSMENT: Fifty percent of the evaluation will be done on the basis of student ability prepare the teaching notes and preparing a report. The remaining fifty percent is allotted to his performance in the classroom as a teacher.

LLM281IPL DISSERTATION (No. of Hrs. 60-80 Hrs.)

COURSE OBJECTIVES: This course is designed to test the research prowess of the students and their analytical skills. It is aimed at enabling the students to hone their skills as a researcher that would be of immense help to them in their career.

Students are required to select their dissertation topic at the beginning of the academic year (1stSemester) and register with a faculty member for Guidance.

Dissertation work carries 200 marks in total and research report has to be submitted before the commencement of the examination of 2nd Semester.

COURSE OUTCOME: Students will be able to-

1. Formulate legal research problem.
2. Identify proper research methodology to deal with the legal issue.
3. Apply objective, logical legal reasoning to make arguments and arrive at conclusions
4. Draft a research report.

Learning Outcome: This subject will help the students to enhance their research, analytical and writing skills.

TEACHING METHODOLOGY: Lectures, Discussion, Library visit, etc., according to the requirements of the students.

EVALUATION

1. Research Proposal -	15%
2. Submission of Progress Report -	15 %
3. Research Report -	60 %
4. Viva -	10 %
	TOTAL 100%